

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:03CR290
	)	
v.	)	
	)	
KEVIN BIRDINE,	)	ORDER
	)	
Defendant.	)	
	)	

On September 8, 2005, defendant appeared through counsel on a motion for reduction of sentence (Filing No. 284), filed by the plaintiff, pursuant to Rule 35 of the Federal Rules of Criminal Procedure. After considering the comments of the parties and after evaluating the assistance provided by the defendant, the Court finds that the government's motion for reduction of sentence should be granted.

IT IS ORDERED:

- 1) The government's motion for reduction of sentence is granted.
- 2) Defendant be committed under Count I of the Indictment to the custody of the Bureau of Prisons for a term of sixty (60) months. The defendant is also committed under Count II of the Indictment to the custody of the Bureau of Prisons for a term of sixty (60) months to run concurrently to the sentence imposed under Count I. This sentence shall run concurrent to the sentence already imposed at Docket 8:CR500. Defendant is to be given credit for time previously served under the previous Judgment and Committal Order dated March 10, 2004, which was signed and filed on March 10, 2004 (Filing No. 69).

3) All other terms and conditions of the Judgment and Committal Order dated March 10, 2004, remain in full force and effect.

4) That the transcript of the Rule 35 hearing of September 8, 2005, be sealed.

DATED this 9<sup>th</sup> day of September, 2005.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court